

## REMARKS/ARGUMENTS

Examiner Saltarelli is thanked for the thorough examination of the subject Patent Application. The Claims have been carefully reviewed and amended, and are considered to be in condition for allowance.

5           Reconsideration of the rejection under 35 USC §102(b) of Claims 23, 46, 91, and 114 as being anticipated by U.S. Patent 5,996,015 (Day) is requested in light of the following arguments.

Day does provide a data pump that stores multimedia files, or multimedia assets and delivers the multimedia assets to a client. The data pump being  
10   arranged to play a file to a client across a network. Day does not provide:

a plurality of digital data file storage devices in communication with each other and with any of the plurality of computing systems for storing a plurality of dynamically generated segments of said provided data file, said segments stored within said plurality of digital data file storage  
15   devices to facilitate transfer of said provided data file to at least one of the plurality of computing systems; (Claim 23, Lines 5-10)

a plurality of digital video data file storage devices in communication with each other and with any of the plurality of computing systems for storing a plurality of dynamically generated segments of said provided digital video  
20   data file, said segments stored within said plurality of digital video data file storage devices to facilitate transfer of said provided digital video data file

to at least one of the plurality of computing systems; (Claim 91, Lines 5-11)

The segments of Day are the programs or segments of a program or programs that is identified by a user (Col. 6 Lines 26-64). The segments of the programs are concatenated for streaming to the user. The segmentation apparatus of the present invention dynamically divides or fragments a digital data file, especially a digital video data file, into segments for more efficient storage in the digital data file storage devices. This storage of the segments in the digital data file storage devices facilitates transfer of the data files to a second computer system (user) for display. There is no description in Day of the dynamic segmentation of the data files to facilitate transfer of the data files.

The Applicant acknowledges that Claims 1-22 and 47-90 are allowed and that Claims 24-45 and 92-113 would be allowed if not dependent upon rejected base claims. The Applicant believes that the base Claims 23 and 46 are allowable in light of the above arguments. Applicant respectfully requests that a timely Notice of Allowance for all claims be issued in this case.

It is requested that should Examiner Saltarelli not find that the Claims are now allowable, that the undersigned be called at (845) 452-5863 to overcome any problems preventing allowance.

Respectfully Submitted,  
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